

## Miscellaneous Comments

The comments included in this section of the FEIS are those that did not fit into the organizational structure of the DEIS, on which this FEIS is based.

**Comment m-1-PHT:** Do the approvals run with the land, or with the project team that is attempting to get those approvals? Let's assume that this project succeeds in getting all of its approvals. Do the owners have a right to flip the property? By giving these approvals, we are conferring great value on this property. If we as a town are going to give that benefit to someone else, we have to make sure that we get the benefit that we want back with a very high degree of certainty. If we don't, then there have to be penalties. [Tom Flexner, November 17, 2007 Public Hearing Transcript, page 38]

**Response m-1-PHT:** Any approvals given by the Planning Board will run with the land. The owners have the right to sell the property.

**Comment m-2-PHT:** Assurances will need to be built to ensure that the expectations that underlie the project and its assumptions continue to be protected over an extended period of time. We have no assurances that these various assumptions and expectations will be protected on an ongoing basis. [Michael Chamberlain, November 17, 2007 Public Hearing Transcript, page 103]

**Response m-2-PHT:** Please see Response 3.9-1-PHT, which explains that the MDP for the project sets forth the site design and architectural details and standards to which the project must be held. Furthermore, the SEQRA Findings Statement, which will be based on the DEIS and this FEIS, will include specific conditions and mitigation measures which the project will be required to implement. The "Silo Ridge Resort Community Architectural and Landscape Character" document prepared for the project by Robert A.M. Stern Architects, LLP, will be incorporated into the Special Use Permit for the proposed project.

**Comment m-3-PHT:** I would hope that you would obtain assurances for the Town that would get what is being proposed, whatever happens, whether it's not developed the way it's supposed to be developed, whether the property is flipped, that we do not have a different architect and not the fancy architect that's proposed and things like that. [Laurence Levin, November 17, 2007 Public Hearing Transcript, page 156]

**Response m-3-PHT:** Please see Response 3.9-1-PHT.

**Comment m-4-PHT:** Will the private homes be built as spec houses or privately purchased and custom built? What if the properties do not sell? Will we have performance funds that can assist if the project does go belly up? I'm concerned that the terrain would be interrupted, and if they clear the sites prior to being purchased or should we keep them intact? It could be very aesthetically unpleasing to the future user of this property. [Patty O'Neil, November 17, 2007 Public Hearing Transcript, page 28]

**Response m-4-PHT:** It is anticipated that the majority of the residences will be pre-sold. The Applicant does not anticipate clearing single-family home sites until the individual lot is sold and the home site is designed. The Applicant will be required to post performance bonds for the proposed wastewater treatment plant (WWTP) and any onsite infrastructure that is dedicated for public ownership.

**Comment m-5-PHT:** What happens if a project like this fails? Is that going to depress everybody else's housing value in this town if you've got 200 unsold condominiums that are eventually going to have to be reduced significantly in price to get moved? Hopefully there is a market adjustment that prevents failure. If the project were to go out and financing were attempted to be put in place and the lending community and equity community said this is too aggressive a project we need to scale back. That's the other consequence. [Tom Flexner, November 17, 2007 Public Hearing Transcript, page 34]

**Response m-5-PHT:** Please see Response m-11-29A.

**Comment m-6-PHT:** If a large-scale development were undertaken and failed, I think we would have to do an analysis of what the consequences are to the fiscal well being of the Town. If this thing were wildly successful, it would probably be a good thing for the Town. How could it not be? But my theory is that can't happen on this scale, here. [Tom Flexner, November 17, 2007 Public Hearing Transcript, page 36]

**Response m-6-PHT:** Please see Response m-11-29A.

**Comment m-7-2E:** How does Amenia protect itself when Silo Ridge is unable to sell or rent enough of their properties to cover the increased tax load needed? What if the hotel is unable to cover its costs? Amenia could be left holding the financial bag. In addition, the countryside would be left scarred with empty or incomplete buildings. This has already happened to other developments in the past 12 months. That is why the bond is imperative in this case. [Romia Kimball, Letter, March 24, 2008, Comment E, page 1]

**Response m-7-2E:** Please see Response m-11-29A. The Applicant is responsible for the costs of the development. The fiscal analysis in the DEIS shows that the project will create a tax revenue surplus for the Town, which will offset the increase in services that is expected to occur from the development. The Applicant also prepared an updated fiscal analysis using more recent data (see Appendix H) and this also shows a significant tax revenue surplus.

**Comment m-8-12A:** Insist that an outside consultant review the DEIS proposal to give a "reality check" on the assumptions it is based on and verify the projections. Some of the assumptions in the DEIS -- how many units can be sold at the projected price, for example -- depend on trends in the real estate market. Someone (or some firm) knowledgeable about the real estate business *as well as* planning, engineering, and environmental considerations should be engaged to tell us how much of a risk the developer is taking. I suppose that such a study might cost no more than \$10,000. The developer could easily bear this cost. Those on our Town Boards who love to calculate percentages will note that this cost is less than SEVEN HUNDRENTHS of 1 percent of the anticipated gross Income. Way less than ATM fees. For a family that makes 40,000 a year, about the cost of a video rental. The developer and Planning Board could agree on the consultant. Our town could extend public comment period until this report is available, a couple of months probably. [Jerry Thompson, Letter, November 27, 2007, Comment A, page 2]

**Response m-8-12A:** A marketing study has been prepared and included as Appendix D to this FEIS. In the Applicant's opinion, this report substantiates the market for the proposed resort project. In addition, the Town hired a consultant, The Hudson Group, to review the fiscal analysis in the DEIS. The Hudson Group provided comments to the Town, which are responded to in this FEIS. Also see Response m-11-29A.

Upon review by the Planning Board and its consultants, the Board concluded that the marketing study, standing alone, did not conclusively demonstrate that the upscale residential units for vacation and retirement purposes can be sold at the prices proposed (ranging from time-share condominium hotel units to be priced starting at \$360,000, to the single-family and villa units at the upper end prices of \$2.9 million) in the near and intermediate term market. To address this concern, the Applicant was directed to prepare a sensitivity analysis, which reduced the market values of the residential units by 50% and 25% to assess the fiscal implications. In both scenarios, the net effect to the various taxing districts (Town, County, and School) remained positive but to a lesser degree. Please refer to the fiscal analysis in Appendix H for more information.

**Comment m-9-12B:** Insist that the project be built in several progressive stages. That way, if the whole thing fails to fly we will be left with only a small amount of wreckage, and not a Titanic-scale disaster. The USA is full of golf courses which have been bull-dozed to make room for new housing. We don't need to be bullied by a bottom-feeder who may buy a bankrupt development at a bargain price and then try to set his own terms. [Jerry Thompson, Letter, November 27, 2007, Comment B, page 2]

**Response m-9-12B:** The project may either apply for a single site plan approval or for individual approvals for each phase of the development. The project is proposed to be built in three phases as outlined in the DEIS and April 2008 MDP. Also see Response 2.3-1-PHT and 3.9-1-PHT.

**Comment m-10-14E:** What if the golf course, after numerous home sales have taken place, is reduced to 9 holes eliminating the other 9 holes in order to build more homes. Myrtle Beach S.C. recently experienced this when 12 courses were closed in order to build more homes. [William J. Burke, Letter, November 30, 2007 Comment E, page 1]

**Response m-10-14E:** A nine-hole golf course does not fit in with the vision of a luxury resort and the Applicant has no plans to consider one. In any event, a proposal to reduce the golf course to nine holes would be subject to prior review and approval by the Planning Board.

**Comment m-11-29A:** Based on my review of the DEIS and my experience, I am convinced that the Silo Ridge project will ultimately fail and, in the process, create major problems for the Town of Amenia. Simply put, the project is not financeable and therefore it will never be built as proposed. Requiring some \$1.3 billion of total capital, this immense project would have been exceedingly difficult to finance in the best of times; in today's environment it will be virtually impossible. Through industry sources, I have seen the Sponsor's offering memo seeking to raise \$250 million of third party equity to commence the Project (and hear that there have been no takers).

There is no mention in the DEIS of access to capital for the Project. How and when does the Sponsor propose to secure financing? If the Planning Board approves Silo Ridge as proposed, I believe it is entirely possible that the Project will never get started. The result for Amenia, however, will be endless re-negotiations, years of delay and a likely outcome in which the Town ends up with much less than it bargained for. In the meantime, the stalled project will cast a pall over the Town, discouraging other, more viable, developments. Unfortunately, I believe that the more likely scenario is one in which the Project gets started but subsequently fails because of undercapitalization. In this case, the potential downside to Amenia is even greater: unpaid real estate taxes, an unfinished Water System, increased road

maintenance and security costs, protracted litigation etc. The only way to mitigate this worst-case risk would be to require that the Sponsor submit up front proof of fully committed financing adequate to complete the entire project. Can the Sponsor offer evidence of having secured sufficient financing to complete the Project? I do not believe that the Sponsor could meet that test. Given the downside, I simply do not see how the Silo Ridge project offers adequate upside to Amenia to justify this risk. The Sponsor's offering memo emphasizes that all project amenities will be for the exclusive use of the private members - should all of Amenia's current residents and taxpayers take the risk on their behalf. [John Klopp, Letter, March 25, 2008, Comment A, pages 1-2]

**Response m-11-29A:** There is no legal basis for a Planning Board (or Lead Agency) to require financial pre-qualification from an Applicant, either in SEQRA or otherwise. Generally, the Planning Board's land use authority is confined to regulating uses, not users. SEQRA does not modify or expand this authority. On the other hand, the Planning Board is authorized to seek appropriate performance guarantees, such as bonding and surety, relative to the approval(s) and conditions of approval for certain improvements associated with the project, in accordance with Town Law Sections 274-a, 274-b, and 277, and corresponding provisions of the Town of Amenia Zoning Law, such as Section 121-68B. The Planning Board may impose reasonable conditions which are directly related and incidental to the underlying land use approvals.

In addition, research conducted by The Weitzman Group substantiated the market for the project and has concluded that the project has the proper attributes to be marketed. This is included as Appendix D of this FEIS. Furthermore, to ensure its due diligence to assess the potential fiscal impacts to the Town (and school district) of the project, the Planning Board has required an extensive and rigorous fiscal analysis by the Applicant. This includes rigorous revenue projections and generally the same for expenditure projections. Alternative scenarios on pricing of residential units, which included a 25% and 50% reduction in sales price to reflect a projected softer market than presumed in the supporting Applicant-sponsored market research study (see Appendix D), have been done to assess the potential implications for town and school district property tax revenues. In addition, the Planning Board has required that the Applicant assess the project under the conservative scenario of 100% primary residents versus the developer's intent to have this be a second home community, so that this scenario's key fiscal implications can be evaluated.

Certain project facilities and amenities are available to the general public and these include the hotel, the hotel restaurant and lounge, Village Green shops, and winery restaurant. As a guest of the hotel or a member of the public, reservations can be made through the resort operator for any of the

available resort amenities, including golf and spa.. The resort operator will have the flexibility to provide additional offerings or services as they see fit in the market place to maintain an active and profitable facility.

Club membership is only available to Silo Ridge Resort Community residents. Certain preferential treatments (such as tee times) and Club facilities (such as private dining, lounge, and locker rooms at The Club) are benefits of this Club membership.

**Comment m-12-PHT:** There were several comments regarding the financial resources of the applicant. The concern is that the applicant cannot financially support the project, and that their past projects may or may not have succeeded. [Bart Wu, November 17, 2007 Public Hearing Transcript, page 92] [Michael Chamberlain, November 17, 2007 Public Hearing Transcript, pages 103 and 104]

**Response m-12-PHT:** Demonstrating specific financing of a project is not a requirement of SEQRA. In response to the question about the Applicant's development team's qualifications, the Applicant offers the following information:

Millbrook Ventures, LLC

Development

- **Stephen Garofalo (Chief Executive Officer)** was the founding partner of Metro Media Fiber Networks, a multi-billion dollar world-wide fiber optic infrastructure network to support internet communication. Mr. Garofalo, along with his founding partners John Kluge, David Rockefeller and Stuart Subotnik, was responsible for the construction of over \$2 billion of fiber optic infrastructure and data centers that remain core components of today's internet.

In partnership with Bechtel as construction managers, Metro Media built some of the most complex data centers in the world in New York City, Palo Alto, Virginia, Frankfurt and London, with some centers costing in excess of \$250 million. Metro Media listed on the NASDAQ in 1997 in one of the largest initial public offerings at the time. Previously, from 1979 to 1993, Mr. Garofalo served as President and CEO of F. Garofalo Electric, a New York City based electrical contractor that completed in excess of \$1 billion of construction projects in the commercial and municipal real estate sectors.

- **James R. Fitzgerald (Vice-Chairman)** brings nearly 40 years of real estate finance experience to the company. He started his banking career

at Chase Manhattan Bank in the early 70's and quickly rose through the ranks. In 1976 he won the David Rockefeller Presidential award for outstanding contribution to the bank's earnings. In the mid 1980's he and the former Chairman of the Chase Trust formed a private company to work with the U.S. Government in solving the S&L crises in America. Drake Real Estate was the first private company hired by the government to act in this capacity. More recently, since the early 90's, James has managed the real estate investment banking practices of Credit Lyonnais (13 years) and HSH Nordbank. During that time he has concluded nearly \$30 billion in financing, both debt and equity, working with the most capable private and public international real estate companies in the U.S. Mr. Fitzgerald has been involved with all product types ranging from commercial to residential to hotels and golf courses. Mr. Fitzgerald will focus his attention on the debt and equity needs of this development.

- **Pedro Torres (President & COO)** has been President of Millbrook Ventures since 2005. From 2000 to 2005, Mr. Torres built and managed a number of real estate ventures, including Lucas and Torres Investments and Sunnyland Development Group. Mr. Torres and his family have been in the construction business for three generations, specializing in bridges, dams, oil refineries, metro rail roads, hydroelectric plants, and residential high-rise complexes.

#### *Construction Department*

- **Michael Dignacco (Vice President, Construction)** has over 25 years of residential and commercial construction management experience. Most recently, he was Vice President of Construction for WCI Communities (Northeast Division) which delivered up to 350 homes annually. Mr. Dignacco has managed the product development, construction and delivery of more than \$600 million in residential and commercial projects. This included luxury communities, custom homes, office and warehouse projects, and marina and clubhouse facilities.

#### *Finance Department*

- **Mark Brenner (Chief Financial Officer)** spent over 20 years in public accounting. From 1976 to 1989 Mr. Brenner worked for BDO Seidman. From 1989 to 1997 Mr. Brenner was a Partner in Marden Harrison & Kreuter, CPA. Mark Brenner is a Certified Public Accountant and holds a BS in accounting from Brooklyn College.

### *Hospitality*

- **Charles Reiss (Vice President of Hospitality Planning)** started a consulting practice focusing on the planning, design, construction and sales of luxury residential development and condominium hotels. His list of clients includes MB Real Estate, James Hotels, Time Equities, Ian Schrager Hotels, The Carlyle Group, Starwood Hotels, ELAD Development, Blackstone Group, and Hines Development. Prior to 2005 he served as President of the Sunshine Group, New York's premier high end condominium sales and marketing company. For 11 years he was executive vice president of development for The Trump Organization where he was responsible for a number of highly successful projects. Mr. Reiss was also Director of the Columbia University School of Real Estate Development. Mr. Reiss also held high-level positions in New York City's planning and housing agencies, culminating his 17-year government career as Deputy Commissioner of Housing.
- **Tom Downing (Vice President of Hospitality Operations)** provides consulting services related to hotel development. Prior to starting his business in 2007, Downing worked for the Trump Organization where he opened The Trump International Hotel and Tower-New York in 1996. He was the General Manager of the property for six years beginning in 2001. Mr. Downing played an instrumental role in establishing the operational guidelines and business practices for the first luxury condominium hotel in New York City. During Downing's tenure at Trump, he assumed an active role in the Luxury Hotel Development Group on projects in Chicago, Las Vegas, Hawaii, Toronto, New York City, New Orleans, and Fort Lauderdale.
- **Robert Caeners (Head of Operations)** has over 20 years of experience managing private clubs and golf courses. Since 2003, he has managed the existing Silo Ridge Country Club and catering operations.

### *Sales and Marketing*

- **Steven Rockmore (Executive Vice President, Marketing)** along with two Partners founded Gilbert Charles Beylen, a residential marketing firm in New York City. In 1992 that company evolved into Residential Realty Advisors, which specializes in the marketing of luxury multi-family properties. Mr. Rockmore specializes in analyzing the layouts and all functions of residential projects, including condominium, hotel-condominium, rental and mixed-use developments. Residential Realty Advisors serves as consultant to developers of high-end residential condominium, rental, and mixed-use projects in key cities in the United

States. In addition to New York, the firm is working on projects in San Francisco, Chicago, Boston, Vail and Los Angeles and has been active in the Florida market for the past fifteen years. Most recently, he has overseen the marketing and sales of over \$200 million of property at the Setai Hotel and condominium in Florida.

### Development Partners

Millbrook Ventures has partnered with various providers to aid in the execution of Silo Ridge Resort Community. The descriptions in this section were derived from publicly available information provided by the development partners.

- **Leading Hotels of the World** is a leader in luxury hospitality and hotel marketing. The organization represents over 430 of the world's finest hotel, spas and resorts. The company has 24 regional offices in key cities around the world. The organization provides additional services including extensive sales and promotional activities, advertising and public relations programs, and owners/guests programs. In 2005, the company developed The Leading Spas of the World program, which is the first global evaluation and certification program for the spa industry.
- **Robert A.M. Stern Architects (Lead Architect)**, a world-renowned architectural firm with over thirty-eight years of experience, is the lead design architect for the project. Robert A.M. Stern Architects (RAMSA) is a 300-person firm of architects, landscape architects, and support staff, all among the top of their respective professions. Over its history, the firm has established an international reputation as one of the leading design firms in the world, with major projects in the United States, Europe, Asia, and South America. It has won numerous design awards, including the National Honor Awards of the American Institute of Architects. Robert A.M. Stern is personally involved in the Silo Ridge Resort Community development. Each project maintains an attention to detail and a commitment to design while still providing unique and beautiful work.
- **Jensen | Fey Architecture, Planning & Interior Design (Associate Architect Commercial)**, founded in 1995, designs hospitality, mixed-use, office, retail, residential, and community projects. Jensen | Fey provides value beyond design and construction. Their designs create staffing, operational, and functional efficiencies that generate cost savings during the life of the building. Jensen | Fey works to produce the greatest value for its client's budget, and continually challenges itself to design solutions with this in mind. For many years Jensen | Fey has provided LEED Certification guidelines to numerous projects around the United

States and is a pioneer and leader in LEED Certification building. Jensen Fey has worked with RAMSA before in the Associate Architect capacity.

- **Minno & Wasko and Planners (Associate Architect Residential)** is an award-winning, mid-sized firm located along the Delaware River in Lambertville, New Jersey. For the past 10 years, the firm's commitment to quality design, meticulous detailing, superior materials and energy efficiency has been recognized by its peers through numerous industry awards for excellence in architectural design and planning. Minno & Wasko has worked with RAMSA before in the Associate Architect capacity.
- **Looney Ricks Kiss**, established in 1983, has expertise in the areas of planning, research, environment, architecture, and interior design. Today, LRK is composed of 220 professional architects, designers, planners and administrative staff located in nine different offices throughout the United States. LRK has been involved in numerous projects ranging from single family homes to planned developments with residential, mixed use, and commercial components. It was awarded the Builders Choice Project of the Year for 2007. LRK consulted on the single-family homes area of the Silo Ridge Resort Community in preparation for the April 2008 MDP submission to the Planning Board.
- **The Chazen Companies (Site and Civil Engineering)** is a professional engineering firm that provides technical expertise in engineering, environmental, surveying and planning consultation services. It is working with Millbrook Ventures to create and provide all the necessary studies and documentation that the developers are required to obtain for the development and future entitlements. The Chazen Companies has 150 professionals in five offices located throughout the Northeast and has been providing its engineering expertise since 1947.
- **Delaware Engineering (WW and WWTP)** offers expertise in civil and environmental engineering to the public and private sectors. Their expertise lies in the ability to design, build, and operate state-of-the-art treatment facilities, providing tertiary wastewater treatment. The company is composed of a design staff of formally trained engineers and hands-on technical professionals, all of whom are involved in water and wastewater treatment design projects from inception to plant start-up and debugging. The firm has enjoyed steady growth over the past 15 years and now employs 50 professionals based in three offices in Upstate New York (Albany, Oneonta, and Walton).

- **Thomas J. Calu (Parking Consultant)** was the Director of Economic Development and Parking for the New Jersey Transit and has over 30 years of experience in this field. He has established his own consulting services, serving both public and private sectors in parking matters. Mr. Calu has been recognized to provide full services in owner representation, initiation and oversight in feasibility studies and demand analysis, site planning, design, financing and project delivery strategies, revenue contract operations, access and revenue control systems, operational planning, security, customer service, pricing and policy.
  
- **The Pike Company (Construction Managers)** of Rochester, New York is a leader in construction management and general contracting. This family-owned commercial builder has had a role in creating scores of high-profile structures in Upstate New York. The firm's accomplishments have been significant since its first project of size, the original Stromberg-Carlson Company plant, which was built in Rochester in 1901. The firm's projects include the Rochester Museum and Science Center, as well as the Rochester Savings Bank. Outside the region, The Pike Company's preconstruction and construction expertise has been put to use in building schools, hospitals, commercial and industrial developments, bridges, highways, marine projects, and tunnels from Maine to Florida and as far west as Vancouver, British Columbia. Included among its major achievements nationally are the Universe of Energy pavilion and the World of Motion pavilion at Walt Disney World's Epcot and IBM Corporation's \$150 million Class 190 semiconductor manufacturing facility in Manassas, Virginia.
  
- **Ernie Els Design (Architect & Design)** is a leading golf course designer, and is led by one of the most successful golfers of the current era. Over the past 15 years, Mr. Els has won almost 60 professional tournaments, including two US Open Championships and an Open Championship, and a record six World Matchplay titles. During the past 18 months, Mr. Els has designed courses in the United States, Australia, the Bahamas, China, South Africa, Mauritius and Dubai. Ernie Els Design began designing courses in 1997. It is expected that the golf course at Silo Ridge will be Ernie Els' first course designed in the United States.

#### Legal Counsels

- **Kramer Levin Naftalis & Frankel LLP (Hospitality & Land Acquisitions)** is an international, full-service law firm with offices in New York and Paris. Their main practice with respect to the project is real estate services including the acquisitions and disposition of properties and all aspects of the development process, including but not limited to,

condominium and cooperative developments as well as ground lease transactions. KLN has received numerous awards including ranking in the top 100 Most Prestigious Law Firms in America by Vault Rankings (2008), the National Law Journal Pro Bono Award (2006), and partner Gary P. Naftalis was named one of The National Law Journal 100 most influential lawyers in America (2006).

- **Paul Hastings (Legal)** is a leading international law firm providing services and establishing partnerships with many of the world's top financial institutions, Fortune 500 companies and leading corporations. Established in 1951, the company has grown to include 1,200 attorneys serving clients from 18 worldwide offices. The 18 worldwide offices have provided its clients with the best legal advice and provided a full range of services to clients throughout the globe. Paul Hastings has been recognized with numerous awards and rankings including America's Leading Lawyers by Best Lawyers, Top-Tier Rankings in the Legal 500 Guide for Real Estate, Employment and Tax, high ranks in the Vault Guide to the Top 100 Law Firms (2008), amongst many others.
- **Cuddy & Feder (Land Use Legal Counsel)** - Daniel F. Leary is a partner of the Firm and Vice-Chairman of the Land Use Department. Mr. Leary concentrates his practice in real estate development, zoning, and related environmental law. He is admitted to practice in the States of New York and Connecticut and in the United States District Court of the Southern District of New York and the United States Court of Appeals for the Second Circuit. He regularly represents developers, schools, non-profit organizations and the telecommunications industry in land use review and approval processes and litigation. Mr. Leary also represents municipalities and industrial development agencies in a variety of environmental matters. Prior to joining the firm, Mr. Leary served as the first Deputy County Attorney of the County of Putnam. Earlier, he served as the Town Attorney for the Town of Kent, New York.
- **Holland & Knight – Executive Legal Counsel – Nick Milano** Nicholas G. Milano, the real estate practice group leader for the Fort Lauderdale and West Palm Beach offices, focuses his real estate practice on the representation of lenders, developers and borrowers. He handles real estate contract drafting and negotiation, advanced title examination and issuance of title insurance as well as leasing issues for major retail clients. Mr. Milano is experienced representing developers and managers in the acquisition or disposition of hotels and drafting related documents. Mr. Milano also represents owners and contractors in construction-related matters including construction contract negotiation and drafting as well as mechanic's lien and bonding issues.

**Comment m-13-15E:** The Developer? Who is the Developer? What is its experience in creating golf resorts? We know that some operators are worthy and produce good work and some are less competent and produce disasters. The totally unrealistic financial projections of the Developer in the DEIS put the competence and integrity of the Developer in serious question. [G.A. Mudge, Letter, March 19, 2008, Comment E, pages 2-3]

**Response m-13-15E:** The developer and its team of professionals are described in Response m-12-PHT above. The financial projections have been reviewed and validated by The Weitzman Group. Please refer to Appendix D for the marketing study, which supports the market for the project. See also Response m-11-29A and Appendix H for the updated fiscal impact analysis.

**Comment m-14-41A:** The viability of a successful venture is dependent upon many factors. However, one of most important factors relates to the background, knowledge and experience of management of the enterprise. If the Sponsor fails to secure adequate financing to build the Project, fails to ensure that the Project is constructed as designed, fails to attract sufficient purchasers or customers to pay the full purchase prices, fails to complete the Project according to DEIS (or FEIS) or fails to manage or arrange for the water and wastewater treatment plants to be constructed, managed and operated properly, among other things, then the Town may be obligated to assume the obligations and costs associated with the Project, especially with respect to the water and wastewater treatment plants. [Bart Wu, Letter, March 25, 2008, Comment A, page 2]

**Response m-14-41A:** Please see Response m-12-PHT, which describes the developer and its supporting team of professionals.

**Comment m-15-41B:** What is the background of the Sponsor and who are its underlying principals, subsidiaries and affiliates? [Bart Wu, Letter, March 25, 2008, Comment B, page 2]

**Response m-15-41B:** Please see Response m-12-PHT, which describes the developer and its supporting team of professionals.

**Comment m-16-41C:** Has the Sponsor or its underlying principals ever successfully financed, constructed, operated, managed, and maintained a project comparable to the Project? Would you please identify all such projects, whether attempted or completed, and provide copies of the offering or private placement memoranda related to each such project, if any? [Bart Wu, Letter, March 25, 2008, Comment C, page 2]

**Response m-16-41C:** Please see Response m-12-PHT. The project sponsor and its associates have many years of business, marketing, real estate,

construction, and finance experience and most have been involved in similar projects.

**Comment m-17-41D:** Why should approval be given to a Sponsor that admits that it, or its affiliate, currently operates a money-losing golf course operation, and has not demonstrated its or their track record, or capability, or expertise to finance, construct, operate, manage and maintain a hotel, conference center, housing development, water and wastewater treatment plant? [Bart Wu, Letter, March 25, 2008, Comment C, page 2]

**Response m-17-41D:** Please see Response m-12-PHT.

**Comment m-18-41E:** Is the Sponsor or its principals, subsidiaries or affiliates attempting to sell or transfer the Project at this time, or does it or they intend to sell or transfer the project, in whole or in part, before the completion (other than through the sale of the separate housing and hotel units identified in the DEIS) [Bart Wu, Letter, March 25, 2008, Comment E, page 2]

**Response m-18-41E:** This is not a SEQRA related question. In the event that the developer breaks up the development, shared parking will be incorporated into the by-laws of the Master HOA(s) managing the project and the HOA(s) will administer the shared parking program.

**Comment m-19-41F:** If the Sponsor does not, or its principals do not, intend to perform all of the underlying obligations identified above to complete or manage the project, would you please provide the identity of the delegates, and provide comparable information about their capacity or experience in completing, operating, managing and maintaining comparable projects? [Bart Wu, Letter, March 25, 2008, Comment F, page 2]

**Response m-19-41F:** The Applicant intends to design, market, and build the project according to a well conceived business plan. The Applicant has assembled a team of professionals with experience in design, marketing, sales, financing and construction that includes Robert A.M. Stern Architects (Design), Leading Hotels of the World (Resort Management), Residential Realty Advisors (Sales and Marketing), Charlie Reiss (Hospitality Consultant), and The Pike Companies (Construction Management), among others. A brief description of each member of the professional team is provided in Response m-12-PHT.

**Comment m-20-41G:** Does the Sponsor have a commitment letter or other binding indication by any financial institution to provide bridge, construction, take-out or other financing for this Project? What are the terms of such financing? If not, why should the Board believe that such financing is available or that the Project will be completed as designed? [Bart Wu, Letter, March 25, 2008, Comment G, page 3]

**Response m-20-41G:** Please see Response m-12-PHT.

**Comment m-21-41H:** If the Sponsor and its principals, subsidiaries or affiliates are unable to complete, or operate, or manage, or maintain the Project, what assurance will they provide that the Town will not have to operate, manage and maintain, or pay another person to operate, manage and maintain the water and wastewater treatment plants or other aspects of the Project? [Bart Wu, Letter, March 25, 2008, Comment H, page 3]

**Response m-21-41H:** The Applicant anticipates that a performance bond will be required for the WWTP and any infrastructure dedicated for public ownership. The water and wastewater treatment plant construction, management, and maintenance are governed by the New York Transportation Corporation Law (TCL). Under the TCL, the Town is protected in several ways with respect to the completion and operation of the plant. Specifically, in order to proceed with the construction of the wastewater treatment plant, the sewer works corporation is required under the TCL to post a performance bond in favor of the Town Board which insures that the plant will be completed in accordance with the town engineer approved plans and specifications. In addition, the sewer works corporation is also required under the TCL, before proceeding with the construction of the plant, to provide the Town with an operational guaranty for five years in the form of a bond or other security. Between these two financial instruments, the Town is assured that plant will be completed and operated at no cost to the Town.

**Comment m-22-41GGG:** The undersigned respectfully submits that approving the Project with the winery and large townhouses north of Rt. 44, two of the most visible elements of Project, without adequate information or assurances about the visual and safety aspects of the sites, may have a materially adverse environmental and visual impact on the Town, its appearance to visitors, its ability to attract tourism or commerce and its ability to retain any vestige of its rural character. In summary, the undersigned respectfully urges the Board, prior to granting its approval, to compel the Sponsor, or its designees, (a) to address the concerns and questions raised in this letter, the Report and other submissions, (b) to demonstrate quantitatively and financially its ability to finance, design, construct, sell, operate, manage and maintain each facet of the Project and (c) substantially downsize the Project (at or below the Reduced Scale Alternative) if the Board truly intends to retain the rural character of the Town for future generations consistent with the Comprehensive Zoning Plan for the Town. [Bart Wu, Letter, March 25, 2008, Comment GGG, page 12]

**Response m-22-41GGG:** The Applicant has provided a marketing study in Appendix D that supports the marketability of the project. Please also see Response m-11-29A. The DEIS includes a visual analysis of the project,

which the Applicant has augmented and refined in this FEIS in response to comments from members of the public, the Planning Board, and the Town's consultants. This includes a video of the visual impact of the winery and development on DeLavernge Hill as one approaches the site along Route 44. The April 3, 2008 MDP also provides detailed site plans and building elevations and includes the "Silo Ridge Resort Community Architectural and Landscape Character" document prepared by Robert A.M. Stern Architects, for additional detailed information about what the project will look like.

**Comment m-23-13:** The DEIS is based on assumptions that are stated to be conservative. But saying that doesn't make it so. The DEIS is not a prospectus, it doesn't work that way. It is all the more necessary that the analyses and assumptions that are contained in it are verified independently. [Michael Chamberlain, November 17, 2007 Public Hearing Transcript, page 102]

**Response m-23-13:** The DEIS and preliminary MDP have been reviewed by Interested and Involved agencies, the Town Planning Board and its consultants, and the public. All comments received on the DEIS are addressed within this FEIS.

**Comment m-24-3B:** Another critical factor to be considered is that the local market for such a project includes the overlapping Carvel project just a few miles away, as well as similar projects at the former Harlem Valley Psychiatric Center, and in Hyde Park. The DEIS currently only pays lip service to the existence of the Carvel project. These projects are vitally important factors to be considered, and despite some reports, they will be marketed to a similar demographic market. These massive projects will constitute the majority of several thousand new residential units proposed within a 20 mile radius. [Andrew Durbridge, Letter, March 14, 2008, Comment B, page 2]

**Response m-24-3B:** The market for the project includes western Connecticut and Massachusetts, as well as Dutchess County, Westchester and New York City, and northern New Jersey. The project is also considerably different in terms of the amenities that it will offer. See Appendix D for a marketing report that supports the existence of a strong market for this type of development. See also Response m-8-12A and Appendix H.

**Comment m-25-20G:** HVA believes that all of the potential impacts have yet to be identified or quantified. Additionally, there is little, if any, meaningful discussion of indirect and cumulative impacts. HVA believes the letter and spirit of the State Environmental Quality Review Act (SEQRA) regulations can only be met if the (DEIS) contains a clear explanation of the reasons why the preferred action will not have a significant impact, and which factors were weighed most heavily in the determination. It is not clear in this document what the reasons are that warrant

such a finding. [Elaine LaBella, Housatonic Valley Association, Letter, March, 25, 2008, Comment G, page 3]

**Response m-25-20G:** The Planning Board developed and adopted a SEQRA Scoping Document outlining the relevant environmental issues the Applicant was required to examine in the DEIS. The Planning Board found the DEIS complete for purposes of commencing public review on October 4, 2007, effectively deeming the DEIS as containing those analyses as outlined in the scoping document. The Planning Board will weigh the information contained in the DEIS and the FEIS in preparing SEQRA Findings. The Findings Statement will outline those factors weighed and the rationale for the ultimate decision of the Planning Board.

**Comment m-26-PHT:** I ask that you consider this carefully because the developers can come in, take the money and run, and we're left with the pollution, the traffic, and the water situation. So there's an awful lot to be considered here. But we're very fortunate with what we have and it's most important to protect it. [Betty Rooney, November 17, 2007 Public Hearing Transcript, page 77]

**Response m-26-PHT:** Comment noted.

**Comment m-27-10A:** The Silo Ridge Resort Community looks forward with a close watch on the impact it will have. I am confident that the SEQRA was written with care, and with an eye to the necessary details at issue here. The viewshed has been looked after, with little or no impact from DeLavergne Hill or State Route 22. Great care has been taken to ensure the safety and health of groundwater, as well as the impact on flood control. The plan takes into account the impact on wetlands, and takes measures to protect amphibians. Sufficient groundwater resources exist so that other homes should not be left high or dry. [TJ Hanlon, Letter, March 6, 2008, Comment A]

**Response m-27-10A:** Comment noted.

**Comment m-28-24A:** We are writing this letter to voice our support for the development proposed by Silo Ridge. We are very excited at the prospect of Silo Ridge bringing jobs, industry, beauty, and needed accommodations into Amenia. We have listened for months as Silo Ridge has navigated their way through the necessary steps in order to fulfill their goal of establishing a truly amazing and wonderful resort! They have been asked to adjust, move, re-draw, re-submit, conduct additional studies, fly balloons, and erect frames. They have consistently responded affirmatively to all requests and immediately complied. Some citizens have expressed concern that this development will result in negative impacts upon the downtown. Please! There is no possible way this can make downtown worse! It can only improve the entire Town with this economic boom, enable us to finally

develop a long-awaited sewer system, and bring in more tourists and visitors which will, in turn, encourage more small businesses to set up shop in our downtown. [Aaron & Lea Howard, Letter, March 3, 2008]

**Response m-28-24A:** Comment noted.

**Comment m-29-15A:** My concern is if objection to this proposal delay or stop this plan from taking place the following could be the result: instead of grouping the number of planned houses on that property, in time, the same number of homes will be spread over the town leading to approximately 250-300 individual wells, driveways, and septic systems. [Rudolph Eschbach, Letter, January 24, 2008, Comment A, page 1]

**Response m-29-15A:** Comment noted.

**Comment m-30-15F:** I urge you to continue your efforts to achieve the best plans for the proposed Silo Ridge development. Absent any major negative environmental or economic impact, I support the plans at Silo Ridge as a viable positive impact for our town. [Rudolph Eschbach, Letter, January 24, 2008, Comment F, page 2]

**Response m-30-15F:** Comment noted.

**Comment m-31-PHT:** The town should ensure that the project does not degrade. RAMSA could pull out at any point, but he's a world class firm. I commend the developer for choosing him and Ernie Els. It's a good team. [Dan Brown, November 17, 2007 Public Hearing Transcript, page 50]

**Response m-31-PHT:** Comment noted.

**Comment m-32-PHT:** I think Robbie Caeners and his staff, the ownership of the country club, and the developer from this group have done tremendous things for our area. I know they redid all the sod for the Amenia baseball program free of charge one or two years ago. They also helped landscape it. I know personally for the country food drive, which I'm the president of, they've offered this site here for two years in a row and allowed us to raise \$200,000 two times free of charge. They lent us their building and staff, and even supplied the food. I've been to a golf tournament for the McElroy Foundation, which is for a little boy that died of cancer. I know they have done tremendous things to help raise money for that foundation. The Maplebrook School, right here in Amenia, comes down here and has a tournament; which I have donated money to. They do a tremendous job helping them out. To get an organization like this on board in this community puts us in a win-win situation. [David MacMillan, March 5, 2008 Public Hearing Transcript, page 44]

**Response m-32-PHT:** Comment noted.

**Comment m-33-PHT:** I really need to comment on an article in the Millerton News regarding the November hearing. An employee of Silo Ridge made derogatory comments about those of us who spoke at that public hearing. All of us gave our concerns and expressed that the project was too large, but not one person said they were against it, just against the size and the scope. Comments were made by the Silo Ridge employee that everyone was giving negative comments, and none of those people ever volunteer for committees or help the Town in any way, shape or form. That is just a lie. I personally knew 25 to 30 of those people that spoke that day, myself included, and they are all volunteers for the Town. They are on committees. They volunteer with the seniors, and they volunteer during cleanup days. I think the powers that be at Silo Ridge really need to be careful of further insulting the citizens of Amenia in regards to comments made about people giving comments in regards to this plan. [Elizabeth Whaley, March 5, 2008 Public Hearing Transcript, page 65]

**Response m-33-PHT:** Comment noted.

**Comment m-34-PHT:** I think this would be a great project for Amenia. It is going to help us probably grow. It is going to do a lot for Amenia, especially for downtown. We get a sewer system. I think it is just going to be a wonderful thing. I think they should actually go for it. The guy wants to spend his money here, let's let him do it. [Jack Gregory, March 5, 2008 Public Hearing Transcript, page 62]

**Response m-34-PHT:** Comment noted. For clarification purposes, the Applicant is offering wastewater treatment plant capacity for the Town, not an entire sewer system.

**Comment m-35-PHT:** My family and I moved here about five years ago. And I hate to say it, but we've seen this town go nowhere. I've had people tell us that they have been looking at a sewer system for the last thirty years, so I can imagine that the five years that we have been here, not seeing a sewer shouldn't surprise anybody. When we moved here we improved our little area of Main Street. We helped our neighbor improve. We looked forward to having a nice little street there. And we have actually seen our quality of life decrease. On behalf of myself and my wife, my neighbor and every other business owner that I've spoken to, we think Silo Ridge would be great for the community. [Michael Collins, March 5, 2008 Public Hearing Transcript, page 27]

**Response m-35-PHT:** Comment noted.

**Comment m-36-PHT:** How could you not see this project as benefiting the Town as a whole. The Town isn't financing this project, so I'm not too sure what the concerns

were about if this doesn't work out. The Town is not going to lose out because we didn't finance the whole project. I just spent a couple days up at Hunter Mountain. Now if Hunter Mountain wasn't up there, that town would be nothing. Because of one focal point, you have a thriving town up there. There are probably 50, 60 restaurants up there. Our Master Plan needs something to build around. This is the project to build around, because it is going to bring people here. It is going to be a tourist attraction. People are going to see traffic coming through this town, and now you're going to want other people to invest in our town, our hamlet and we'll see more restaurants and things like that. Let's not be the Town where time forgot. It has been this way for way too long, all right. My oldest can't find a job around here. It's absolutely ridiculous. We need something to bring jobs in here. And if this is the focal point, then this is the focal point. It is their money also. So if anybody is going to lose out, it is them. If they end up leaving behind a sewer plant, well, great, you know. I think if I bought a house after somebody obviously just moved out, I move in and I find a bag of 20s in there, I lucked out on it, you know, they forgot it. But we all need to get behind this project, because if we don't, then don't complain when nothing goes on here anymore. I hope everybody goes get behind it. I think you guys are doing a good job. We need something to kick start this Master Plan into high gear. So go Silo Ridge. [Peter Claire, March 5, 2008 Public Hearing Transcript, page 63]

**Response m-36-PHT:** Comment noted.

**Comment m-37-PHT:** I've seen the town evolve and actually it's been quite depressed. So this is a good thing for the Town. [Darlene Riemer, November 17, 2007 Public Hearing Transcript, page 114]

**Response m-37-PHT:** Comment noted.

**Comment m-38-PHT/36:** I am very much in favor of the Silo Ridge Resort plans. Our town has been espousing being business friendly for quite sometime now. Amenia has shown nothing but contempt for businesses. To me we have a jewel in our midst, and that is Silo Ridge. We will have job development through construction. Once construction is completed, jobs of various skill levels will provide residents with opportunities, and our local economy will be provided a necessary boost. Homeowners are currently overburdened with property and school taxes. This resort will provide a bonanza to lift the burden from those who need it the most. The five years invested in our Comprehensive Plan is all for naught if there's nothing to bring people to the downtown area. With the wastewater plant hooked into it, tourists will wander through the Main Street. We will again see a need for people to service these customers and increased tax revenues to help out. To me this resort is a no-brainer. Amenia can simply keep coming up with excuses to stop everything or get with some smart growth. We need to take some chances. Silo

Ridge has been a good neighbor and friend for us for a long time. [Tim Osborne, March 5, 2008 Public Hearing Transcript, page 11 and Letter, March 5, 2008]

**Response m-38-PHT/36:** Comment noted.

**Comment m-39-PHT:** Pride and prestige of having this community here. If it was successful, I think that would be great. I think having a RAMSA neighborhood in Amenia, that would be a nice thing. [Steven Benardete, November 17, 2007 Public Hearing Transcript, page 70]

**Response m-39-PHT:** Comment noted.

**Comment m-40-9A:** I have tried to keep current with the application of the Silo Ridge County Club concerning their expansion project. It appears to me, from what I've read, that we as a town should do everything we can to encourage and promote this application. What Silo offers us with this proposed expansion, (besides a free sewer plant) is a chance for the town to prosper and grow correctly in the right direction, with the right type of high-end development, a development that requires little service for it's high tax revenue. [Joseph Ducillo, Jr., Letter, March 3, 2008, Comment A]

**Response m-40-9A:** Comment noted.

**Comment m-41-9B:** I lived in Amenia since 1969, raised 7 children and have been in business here, since 1983. Only 2 of my children were able to stay in Amenia, although they do commute out of town to work. Besides the tax benefits, it would be nice to see another large employer base in town. [Joseph Ducillo, Jr., Letter, March 3, 2008, Comment B]

**Response m-41-9B:** Comment noted.

**Comment m-42-28B:** I look at the growth of surrounding towns like Millerton with its face lift. Beautiful growth is slow but sure. I want Amenia to progress, but remain the charming place people call home. [Gerry Rassman, Letter, March 25, 2008, Comment B]

**Response m-42-28B:** Comment noted.

**Comment m-43-PHT:** I remember what downtown was like in the past. One of the major impacts that caused change in my opinion was the fact that the railroad went out. Things changed in the downtown hamlets of Amenia and Wassaic when the railroad stopped going all the way through. Wassaic Developmental Center was the main employer. Nobody could live here. Nobody could get a job here. I don't know how you're really going to change that, even with this kind of project. It wouldn't

really revitalize Amenia that much, I'm not sure. [Arlene Iuliano, March 5, 2008 Public Hearing Transcript, page 83]

**Response m-43-PHT:** Comment noted.

**Comment m-44-13A:** I am writing concerning the Silo Ridge development. I am for the project and feel that its benefits would be favorable and positive for the community. The town needs to grow and the Silo Ridge Project could be just what is needed to fuel its economy and allow its local businesses to prosper. Our families have lived and been taxpayers in Amenia for over fifty years. We feel the Silo Ridge Project will ease the tax burden and enhance productivity for the future generations of this town to enjoy. [Jeffrey Kain, Letter, February 27, 2008]

**Response m-44-13A:** Comment noted.

**Comment m-45-23A:** I am a resident of Wassaic, New York, which is the hamlet of Amenia. I attended the meeting held at the golf course this past Wednesday, March 5, 2008. I, along with my husband Alex Reda, am very much in favor of the expansion of the club. We see it as a positive step forward in building Amenia as long as this project will preserve the natural beauty of the valley. This project will further expand the town in the business, community, and recreational sector of development which we inevitably need. This is a win win situation. If we do not allow this project to happen, Amenia will never be able to move forward and be a pleasurable and profitable town to live in. [Donna Reda, Letter, March 7, 2008]

**Response m-45-23A:** Comment noted.

**Comment m-46-PHT:** I just wanted to reiterate what a lot of people have said here already. But I personally believe that this particular project here is good for not only for Amenia and Wassaic, but it's good for the entire area, whether it be Millerton or Dover or Millbrook. Not only will it build construction jobs, it's going to build a lot of both full-time and part-time jobs. As I got involved with some of the things in the past couple of weeks with the Webutuck School District and I saw our young people playing basketball and doing different things, I wonder what their future is to come back to an area like this. I wonder when they are in high school, what their future is trying to get a job around here. There are no part-time jobs or very few part-time jobs for the students to go out and get into the business world. This project is a win-win situation for everybody here. They are going to be using Jack's Auto Service when they have a flat tire. Cumberland Farms when they want a cup of coffee, Gino Robustelli's place down there. It is going to be a positive situation. [David MacMillan, March 5, 2008 Public Hearing Transcript, page 42]

**Response m-46-PHT:** Comment noted.

**Comment m-47-PHT:** Also, a project like Silo Ridge is definitely going to bring taxes to our town, the county and the school district. I'm certainly glad to hear what Rudy said, the school can take 300 students. I think that's terrific. It's also going to promote jobs. During the construction phase, it's not going to be all local people, but it is going to be people here in the community spending money. Once the project is built, there's going to be jobs here. There is going to be a payroll; people are going to spend it within our community. To me it just seems like a win-win situation. I believe when this project is completed I'd have friends or relatives come visit, and I'd be very proud to bring them down and give them a tour. [Wayne Euvrard, March 5, 2008 Public Hearing Transcript, page 41]

**Response m-47-PHT:** Comment noted.

**Comment m-48-PHT/37C:** I see a massive increase in the tax base both from the Silo Ridge development and the accompanying revitalization of Main Street. More of our children, the people in whom we have invested our school taxes, will be able to make the choice to stay here where they have grown up and flourished. More employees from outside our town will be spending their dollars here with our merchants. I see the development leading only to moderate growth of our school district and of town services. The enhanced tax base will reduce the burden on existing taxpayers when it is time to fund the new firehouse, town hall and the expansion of recreational facilities. [Alan Gamble, March 5, 2008 Public Hearing Transcript, page 48; Letter, March 5, 2008, Comment C]

**Response m-48-PHT/37C:** Comment noted.

**Comment m-49-PHT:** I've listened to a lot of people tonight, heard a lot of good things, and I know everybody is passionate about Amenia. But I would like to go back, being that I've been a citizen here all my life. My mother is 101 years old. It has been 58 years since Amenia has talked about sewers. And I'm sure there are people in here that remember that, that have lived here a long time. 58 years! We had a Democrat and a Republican that fought about the sewers. They would have been paid by the federal government, 95 percent would have been paid by the federal government. So you got a Democrat and a Republican fighting, right. Like Barack Obama says, we are one nation, and maybe some day we might come to that. The other thing I would like to say, take a look at the Amenia firehouse and Amenia Town Hall. Look at the Town highway garage. Look at downtown Amenia today compared to what it was forty years ago. We were bustling. I used to work in the grocery store as a kid. We had a lot of people that came here. The wages back then weren't what they are today, but people survived. We had three or four grocery stores. Today we have one. So think about that. Think of what the Amenia firehouse and the Town hall looks like, the buildings. Look at downtown Amenia. We need Silo Ridge. [William Carroll, March 5, 2008 Public Hearing Transcript, page 81]

**Response m-49-PHT:** Comment noted.

**Comment m-50-28A:** I am a resident of Amenia and a homeowner. I am opposed to this project. I am for progress but at what cost to our community - least of all financially. I work at Green Haven Correctional in Stormville. A huge project for pushed through on Phillips Road. It had a terrible impact on the environment and traffic. It destroyed the area and only half of these homes sold...and....I haven't seen any growth to Stormville except a new pizza place. Another example is Fishkill. With the building going on there was to be no impact on taxes, traffic or the environment. Taxes have gone up, traffic is way out of control and now there is flooding all the time in certain areas when it rains, where it never did. And now the water for the most part is undrinkable. I don't want this for Amenia. True we need a sewer system but to say they're graciously giving us one with a project this size is naïve. It should be demanded. [Gerry Rassman, Letter, March 25, 2008, Comment A]

**Response m-50-28A:** Comment noted.

**Comment m-51-GP7:** Is the applicant still considering the purchase of Amenia Fish & Game? [Greenplan, Inc., Letter, April 6, 2008, Comment #7, page 3]

**Response m-51-GP7:** The Applicant is currently working with Amenia Fish and Game to move them to a location suitable to them. Please see Comment and Response m-58-17A.

**Comment m-52-14D:** That construction workers would be needed for 4 years. What if the workers are transported from other states, as happens in many of these large projects, to work here at Silo. How will the Town be affected by short term residents? [William J. Burke, Letter, November 30, 2007, Comment D, page 1]

**Response m-52-14D:** Construction workers who may be employed at the project site but who live outside of the region would presumably look for short-term housing, such as rental apartments, within an easy commuting distance of the project site. See also Response 2.2-13-14HH and Response 3.7-29-31Y regarding potential impacts of construction-related traffic.

**Comment m-53-38N:** They'll have their own lighting, water & sewer districts...so let's make it complete. They should even have their own Post Office & zip code, since they will be a gated community! [Patrick J. Nelligan, Letter, March 24, 2008, Comment N, page 6]

**Response m-53-38N:** Comment noted.

**Comment m-54-PHT:** During the November 17<sup>th</sup> public hearing, many comments were made regarding the complexity of the DEIS, its terminology not being represented in layman's terms, and the concern that not enough time has been time allotted for public hearings and public comments.

- Steven Benardete, November 17, 2007 Public Hearing Transcript, pages 68-69
- Leo Blackman, November 17, 2007 Public Hearing Transcript, page 109
- Dean Kaye, November 17, 2007 Public Hearing Transcript, page 129
- Michael Chamberlain, November 17, 2007 Public Hearing Transcript, page 108
- Sharon Kroeger, November 17, 2007 Public Hearing Transcript, pages 60-61
- Matthew Anderson, November 17, 2007 Public Hearing Transcript, page 126
- Elizabeth Whaley, November 17, 2007 Public Hearing Transcript, page 129
- Cheryl Morse, November 17, 2007 Public Hearing Transcript, page 147

**Response m-54-PHT:** The Applicant worked closely with the Planning Board to determine the format for the DEIS. At the end of the November 17<sup>th</sup> public hearing, the Planning Board agreed to hold open the public hearing and continue it to a then-undetermined date, eventually identified as March 5, 2008, with the comment period remaining open for 20 days beyond the close of the hearing. These actions were taken to help ensure that the community had ample time to review the DEIS and consider the project. The Planning Board also required the Applicant to submit a Preliminary MDP for SEQRA purposes, which was circulated to Involved and Interested Agencies and made available for public review during this time period. The Preliminary MDP, and the revised MDP submitted in April 2008, responded to comments on the DEIS and helped to further refine and clarify information that the Planning Board felt would assist the public in understanding the proposed development. The Planning Board closed the public hearing on March 5<sup>th</sup> and the written comment period concluded on March 25, 2008. The executive summary of this FEIS (Section 1.0) serves to organize the FEIS in a manageable and straightforward manner. The FEIS provides responses to public comments and provides clarification of information from the DEIS where necessary.

**Comment m-55-PHT:** It is very difficult to download the document because most of the important information is contained in the appendices. The appendices are not indexed, requiring that the entire document be downloaded in order to ensure that you can find the information you are looking for. In my view, the only way to review the whole document is to go to the library or town hall, meaning that there are essentially only two copies available to the public. Please note that downloading doesn't work. The public needs more time to digest this extensive document. [Dean Kaye, November 17, 2007 Public Hearing Transcript, pages 149-150]

**Response m-55-PHT:** In response to this comment, additional copies of the DEIS, appendices, and CD were delivered to Town Hall in November. The electronic files of the DEIS and appendices were also broken down into smaller files to lessen the time required to download the files. Per Planning Board request on July 31, 2008, the April 3, 2008 MDP was made available to the public via link from the Town of Amenia website on August 8, 2008.

**Comment m-56-PHT:** We need to identify the areas that need more work; have the developer produce more sophisticated traffic studies and alternative plans, taking away most of the development on the hillside; removing the winery to someplace else; addressing the impacts that have been identified not by denying them, by changing the plan to accommodate them. [Dean Kaye, November 17, 2007 Public Hearing Transcript, pages 150-151]

**Response m-56-PHT:** The Planning Board is tasked with reviewing the potential impacts of the project as proposed and as evaluated within the DEIS.

**Comment m-57-PHT:** I have looked at the project over the last four years. I have seen a few of the DEISs for the project. I have commented orally and written comments during previous public hearings on this. I ask the planning board to make sure all of those previous written and oral comments that were done in the last four to five years are included in this too. I asked the question earlier this week and no one knew what happened to those previous comments, written and oral. They should be included. They are still viable comments for the plan in general. [Elizabeth Whaley, November 17, 2007 Public Hearing Transcript, page 129]

**Response m-57-PHT:** Informal comments that were received on the DEIS prior to its acceptance were taken into consideration by the Planning Board during the process of making a completeness determination. All comments that have been received during the public comment period on the DEIS are incorporated into this FEIS. See Appendices A and B for copies of the public hearing transcripts and Appendix C for copies of all written correspondence.

**Comment m-58-17A:** This letter is pertaining to the Silo Ridge public hearing. We at Amenia Fish and Game are working with Silo Ridge to find a new location for us. As of yet, we have not and may not find a suitable location. We would like the town board to please bear in mind that if you grant Silo Ridge permits to move forward, that we have been told that it is illegal to grant them a permit that makes us nonconforming. So we feel any permits issued should be kept in mind that we may always be there. We would appreciate it that anything you do would not affect us at Amenia Fish and Game. [Gerard Quirk, Letter, November 7, 2007]

**Response m-58-17A:** No permits or approvals that the Planning Board may grant for this project will render Amenia Fish and Game's use of the adjacent parcel non-conforming under the Town Code.

**Comment m-59-38U:** The vast majority of comments from the public come down to several general statements. The project is too large; the hotel is too big/too tall; the development on the north side of Rt. 44 is problematic; the combined sewage capacity with the hamlet is probably untenable in terms of surface water impacts; the downstream surface water, wetlands and aquifer impacts are of great concern; public service needs, especially fire suppression, may be overwhelming; traffic congestion without some new engineering for the main traffic light and probably some new control at the lake amenia rd./powderhouse rd. juncture is a very serious concern; and property taxes, already burdensome, may become unpredictably higher. That is certainly not an all inclusive listing, but it goes to the heart of what needs to be done here by the Planning Board. Significant MITIGATION in all of these areas is necessary before this project is approved. [Patrick J. Nelligan, Letter, March 24, 2008, Comment R, page 8]

**Response m-59-38U:** Comment noted. The DEIS includes an evaluation of the potential environmental impacts of the project, which have been considered and commented upon by the public, Interested and Involved agencies, and the Town Planning Board and its consultants. Responses to comments are provided herein and together with the DEIS, form the basis for SEQR Findings which will be prepared by the Planning Board prior to any decision on the project.

**Comment m-60-47:** The commentor's letter references a presentation given on January 3, 2008 to the Planning Board by the Silo Ridge project marketing team, wherein several resorts were identified as examples of resorts with a similar mix of facilities and activities as the proposed project. The commentor suggests that the Planning Board could contact planning officials in the municipalities where the resorts are located to inquire about their experiences with the developments. [Tracy Salladay, Letter, January 14, 2008]

**Response m-60-47:** Comment noted.

**Comment m-61-46:** Now that I have mentioned money, let me say that I fear this project cannot succeed in the current economic climate. Asking 3- or 400 buyers to spend something around a million dollars for what is expected to be a second home when Dover Knolls and Durst/Carvel in Pine Plains propose to offer many more than a thousand similar opportunities, and Keane Stud gears up to offer a large number more (and what about Stallion Park down the road?): is this reasonable in a market where builders cannot get financing to build, and buyers cannot get financing to buy? The front page of today's "Business Section" of *The New York Times* features (above the fold, as journalists say) a picture of abandoned construction in California. We read that Toll Brothers is forfeiting contract money rather than close deals on land they can't get money to build on for buyers who will not buy. Not only are foreclosures rising, but sales at auction of these foreclosed properties are falling. Banks are winding up owning properties they cannot manage. Radio ads promise foreclosed properties for sale at pennies on the dollar. All these indicators suggest this project will supply something that is already in over-supply, and thus be doomed to fail. [Jerry Thompson, Letter, March 7, 2008]

**Response m-61-46:** Please see Responses m-11-29A and m-12-PHT.

**Comment m-62-46:** Let me suggest the town needs to require a bond -- not a bond that will be a punishment, a slap on the wrist, but a bond that will allow the town to repair whatever mess the developers will leave behind, should they fail. An architect typically charges 10% of the construction price. Let the town require a bond of 10% of the payout of this project. If they plan to sell 300 units at \$ 500,000 each -- a modest estimate -- then that payout would be \$150 million. Let the developers put \$15 million in bond, available to the town to clean up the mess they leave behind should the project fail. A contract could spell out the target conditions to be met, failing which the town could draw on the bond to make the property whole. The developer would have to agree to this bond in order for approval of project to be granted. [Jerry Thompson, Letter, March 7, 2008]

**Response m-62-46:** Please see Response m-4-PHT.